IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE EIGHTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT APPEAL NO : 1045 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 28/04/2005 in WP NO : 5713 OF 2005 on the file of the High Court.)

Between:

Talachintala Paidayya, S/o Late Thavitayya,
R/o S.C. Colony, Rajam, Srikakulam District.

..... APPELLANT

AND

1 Toleti Jeevaratnam, S/o Late Ramayya,
R/o S.C. Colony, Raja, Rajam Mandal, Srikakulam District.
2 Uppada Eswararao, s/o Veeraswamy,
R/o S.C. Colony, Raja, Rajam Mandal, Srikakulam District.
3 Golla China Ramaiah, S/o Late Chinodu,
R/o S.C. Colony, Raja, Rajam Mandal, Srikakulam District.
4 Nakka Srinivasa Rao, s/o Adiramulu,
R/o Mallikharjuna Colony, Rajam Mandal, Srikakulam District.
5 Pakki Velangani Raju, S/o Sundararao,
R/o Mallikharjuna Colony, Rajam Mandal, Srikakulam District.
6 The District Collector, Srikakulam cum District Election Authority,

Srikakulam District.
7 The Election Officer, Rajam Gram Panchayat, P. Rama Rao,
Palakonda MandaL, Srikakulam District.
8 The Mandal Development Officer, Mandala Prajaparishat,
Rajam Mandal, Rajam, Srikakulam District.
9 The Deputy District Election Authority-Cum-Revenue Divisional

Officer, Palakonda, Srikakulam District.

.....RESPONDENTS

Counsel for the Appellant:MR.V.RAGHU

Counsel for Respondent No.1:Mr.G.V.L.Murthy
Counsel for Respondents 2 to 5:Mr.K.G.K.Prasad
Counsel for Respondent No.6: GP FOR PANCHAYAT RAJ & RURAL DEV.
Counsel for Respondents 7 & 8:Mr.D.Srinivas.

The Court at the stage of admission made the following :

J U D G M E N T (Per the Hon'ble Sri Bilal Nazki, ACJ)

Heard learned counsel for the appellant.

An election petition came to be filed before the Election Tribunal, which allowed the election petition on the ground that there had been recounting of votes and the Returning Officer had not recorded the reasons for recording the recounting of ballots, which was mandatory under Rule 35 of the Andhra Pradesh Panchayat Raj (Conduct of Elections of Members and Sarpanch of Gram Panchayat, Members of Mandal Parishad and Members of Zilla Parishad) Rules, 1994. The order of the Election Tribunal was challenged before this Court and learned Single Judge also agreed with the findings of the Election Tribunal and also came to the conclusion that there was no order in writing and no reasons were given for recount, therefore, recount ordered by the election Tribunal was the only order that could have been passed. We do not find any illegality in the order passed by the learned Single Judge.

Hence, the writ appeal is dismissed. No order as to costs.

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(Bilal Nazki, ACJ)

8th June, 2005

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(G.Chandraiah,J)

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To

1 The District Collector, Srikakulam cum District Election Authority,

Srikakulam District.
2 The Election Officer, Rajam Gram Panchayat, P. Rama Rao,
Palakonda MandaL, Srikakulam District.
3 The Mandal Development Officer, Mandala Prajaparishat,
Rajam Mandal, Rajam, Srikakulam District.
4 The Deputy District Election Authority Cum Revenue Divisional

Officer, Palakonda, Srikakulam District.

5 Two C.Cs to the Government Pleader for Panchayat Raj and

Rural Development, High Court Buildings, A.P., Hyderabad

(OUT)

6 Two C.D copies.